

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MILLIMAN, INC., MILLIMAN)
SOLUTIONS, LLC, and VIGILYTICS)
LLC,)
)
Plaintiffs,)
)
) Civil Action No. 1:21-cv-10865-NMG
vs.)
)
GRADIENT A.I. CORP., STANFORD A.)
SMITH, and SAMUEL CHASE PETTUS,)
)
Defendants.)
)

PLAINTIFFS' RENEWED MOTION TO COMPEL DISCOVERY RESPONSES

Pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1, Plaintiffs Milliman, Inc., Milliman Solutions, LLC (collectively, “Milliman”), and Vigilytics LLC (“Vigilytics,” and together with Milliman, “Plaintiffs”) respectfully renew their motion to compel Defendants Gradient A.I. Corp. (“Gradient”), Stanford A. Smith (“Smith”), and Samuel Chase Pettus (“Pettus,” and, collectively with Gradient and Smith, “Defendants”) to provide substantive responses to Plaintiffs’ First Set of Interrogatories (“Interrogatories”) and First Set of Requests for Production (“Requests”) served March 17, 2022 (collectively “Discovery Requests”).

Plaintiffs file this Motion because Defendants refuse to substantively respond to virtually all of Plaintiffs’ Discovery Requests despite Plaintiffs’ service of a Supplemental Trade Secret Identification in compliance with the Court’s July 11, 2022 Order (Dkt. #70) (the “Order”). Although the Order required that “Defendants will then have one week to review the [supplemental] disclosure before *resuming their response to plaintiffs’ discovery requests*,” Defendants refuse to do so. The Court should reject Defendants’ continued objections to Plaintiffs supplemental 42D Disclosures and order full and complete substantive responses to Plaintiffs’

Discovery Request. In support of this motion, Plaintiffs submit herewith a Memorandum in Support, and accompanying exhibits, and incorporating their Motion to Compel, Dkt. No. 54, and supporting Memorandum and Exhibits, Dkt Nos. 55 and 55.1-55.6 by reference.

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Overrule Defendants' § 42D objection, including with respect to Interrogatories 1 to 6 and Requests 1, 2, 4, 9–27, 32, 34–40, 42–48, 50, 56–60, and 64;
2. Overrule Defendants relevancy objections, including with respect to Interrogatories 1–5 and 12 and Requests 1–32, 34–38, 40–46, 49, and 56–64;
3. Overrule Defendants Scheduling Order objections, including with respect to Interrogatories 8, 12, and 13, and Requests 28–31, 40–45, and 49;
4. Overrule Defendants' attempted reliance on the Fed. R. Civ. P. 33(d) Option, including with respect to Interrogatories 1–4 and 13;
5. Order Defendants to provide substantive responses to Interrogatories 1 to 6, 8 to 10, 12, and 13 without further delay;
6. Order Defendants to produce documents responsive to Requests 1 to 51, 53 to 54, and 56 to 64, including the information requested regarding the design, development, implementation, use and licensing of the Accused Products, including a full copy of their source code for the Accused Products without further delay.

Dated: August 12, 2022

Respectfully submitted,

/s/ Christopher Centurelli

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Christopher Centurelli

CERTIFICATE OF CONFERENCE

I hereby certify that, prior to filing this motion, counsel for Plaintiffs Christopher Centurelli and John Gavin and counsel for Defendants Kevin Quigley attended August 8 and 10, 2022 telephone conferences and conferred pursuant to Local Rule 37.1, and exchanged emails regarding the same on August 4, 5, and 9, 2022 in a good-faith attempt to resolve the matters contained in this motion.

/s/ Christopher Centurelli